



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS	REDEVELOPMENT AGENCY
Dennis Kennedy, Mayor	Dennis Kennedy, Chair
Hedy Chang, Mayor Pro Tempore	Hedy L. Chang, Vice-Chair
Larry Carr, Council Member	Larry Carr, Agency Member
Greg Sellers, Council Member	Greg Sellers, Agency Member
Steve Tate, Council Member	Steve Tate, Agency Member

WEDNESDAY, MARCH 5, 2003

AGENDA

JOINT MEETING

CITY COUNCIL SPECIAL AND REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

6:00 P.M.

A Special Meeting of the City Council and Redevelopment Agency is Called at 6:00 P.M. for the Purpose of Conducting Closed Sessions.

Dennis Kennedy, Mayor/Chairman

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

6:00 P.M.

City Council Action and Redevelopment Agency Action

CLOSED SESSION:

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure/Initiation of Litigation

Authority: Government Code Sections 54956.9(b) & (c)
Number of Potential Cases: 2

2.

EXISTING LITIGATION:

Case Title: Kennedy et al. v. Davis et al.
Case Name/No.: Santa Clara County Superior Court Case No. CV 803679
Attendees: City Manager, City Attorney, Special Counsel Matt Jacobs

3.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Legal Authority: Government Code Section 54965.9(a)
Case Name: Morgan Hill Unified School District v. Minter & Fahy
Case No.: Santa Clara County Superior Court, No. CV 772368
Attendees: City Council, City Manager, City Attorney, Special Counsel Mark Strombotne,

4.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Authority: Government Code section 54956.9(a)
Case Name: City of Campbell et al. v. CalPERS
Case Number: OAH 5119
Attendees: City Attorney, City Manager

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

RECOGNITIONS

Heroism and Meritorious Action Awards for Boy Scouts
*Steve Woodson, Steve Fuentes, Stan Shepherd, David Masuda, Ethan Salzano,
Ryan Shepherd, Stephen Woodson, Jr., and Shawn Fuentes.*

PRESENTATIONS

The 3-Com Urban Challenge Grant Program: Using Data to Inform Instruction
Rudy Padre, 3-Com Corporation

Healthy Communities Health/Youth Conference
Brittany Bach, Youth Advisory Committee

CITY COUNCIL REPORT

Mayor Pro Tempore Chang

COUNCIL SUB-COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE DEPUTY CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

City Council Action

CONSENT CALENDAR:

ITEMS 1-7

The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

Consent Calendar: 1 - 10 Minutes

Page

1. **AGREEMENT WITH THE LAW FIRM OF LIEBERT CASSIDY WHITMORE** 1

Recommended Action(s): **Authorize** the City Manager to Execute an Agreement with the Law Firm of Liebert Cassidy Whitmore.

2. **ACCEPTANCE OF THE CITY OF MORGAN HILL COMMUNITY PLAYHOUSE PROJECT** 11
Recommended Action(s):
 1. **Accept** as Complete the Community Playhouse Project in the Final Amount of \$2,344,807.00; and
 2. **Direct** the City Clerk to File a Notice of Completion with the County Recorder's Office.

3. **APPROVE SUBDIVISION IMPROVEMENT AGREEMENT FOR MISSION RANCH PHASE VI (TRACT 9424)** 15
Recommended Action(s):
 1. **Authorize** the City Manager to Sign the Subdivision Improvement Agreement on Behalf of the City; and
 2. **Authorize** the Recordation of the Map and the Subdivision Improvement Agreement Following the Recordation of the Development Improvement Agreement.

4. **APPROVE SUBDIVISION IMPROVEMENT AGREEMENT FOR COYOTE ESTATES PHASE VII (TRACT 9461)** 27
Recommended Action(s):
 1. **Authorize** the City Manager to Sign the Subdivision Improvement Agreement on Behalf of the City; and
 2. **Authorize** the Recordation of the Map and the Subdivision Improvement Agreement Following the Recordation of the Development Improvement Agreement.

5. **ADOPT ORDINANCE NO. 1606, NEW SERIES** 39
Recommended Action(s): **Waive** the Reading, and **Adopt** Ordinance No. 1606, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL PRE-ZONING 8.8 ACRES, FROM COUNTY A-20 TO PUBLIC FACILITY, APPLICATION ZA-02-14 (PORTION OF APN 817-13-017).

6. **ADOPT ORDINANCE NO. 1607, NEW SERIES** 43
Recommended Action(s): **Waive** the Reading, and **Adopt** Ordinance No. 1607, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING SECTION 2.22.010 (Establishment of boards and commissions) OF CHAPTER 2.22 (Master Provisions for Boards and Commissions) OF TITLE 2 (Administration and Personnel) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL REGARDING BOARDS AND COMMISSIONS AND EXTENSION OF APPOINTMENTS THERETO.

7. **ADOPT ORDINANCE NO. 1608, NEW SERIES** 49
Recommended Action(s): **Waive** the Reading, and **Adopt** Ordinance No. 1608, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING SECTION 2.56.030 (Terms of office) OF CHAPTER 2.56 (ARCHITECTURAL AND SITE REVIEW BOARD) OF TITLE 2 (ADMINISTRATION) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL REGARDING TERMS OF OFFICE FOR ARCHITECTURAL AND SITE REVIEW BOARD MEMBERS.

Redevelopment Agency Action

CONSENT CALENDAR:

ITEMS 8-9

8. **FACADE IMPROVEMENT PROGRAM** 53
Recommended Action(s):
1. **Approve** A ‘Double’ Façade Improvement Program Reimbursement For The New Mama Mia’s Restaurant At 275 East Dunne Avenue; And
2. **Authorize** Staff To Amend The Façade Improvement Program To Allow For “Double” Reimbursements To Be Applied Administratively, Based On Criteria To Be Established.
9. **APPROVE SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF FEBRUARY 19, 2003** 55

City Council Action

CONSENT CALENDAR: (Continued)

ITEMS 10-11

10. **SUBDIVISION, SD-02-08: SHAFER-BAMDAD** 81
Recommended Action(s): **Take No Action**, Thereby Concurring with the Planning Commission’s Decision Regarding Approval of the Subdivision Map.
11. **ADOPT ORDINANCE NO. 1605, NEW SERIES** 119
Recommended Action(s): **Waive** the Reading, and **Adopt** Ordinance No. 1605, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO ORDINANCE NO. 1576, NEW SERIES, TO AMEND THE DEVELOPMENT AGREEMENT FOR APPLICATION MP-00-02: E. DUNNE - GREWAL TO ALLOW FOR A ONE-YEAR EXTENSION OF TIME (APN 728-11-026).

City Council Action

PUBLIC HEARINGS:

	<u>Time Estimate</u>		<u>Page</u>
12.	5 Minutes	<u>PUBLIC HEARING FOR EXEMPTION TO UNDERGROUND UTILITIES – 600 AND 602 SAN PEDRO AVENUE</u> Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Grant</u> Exemption To The Requirement To Underground Utilities With Payment In Lieu For The Proposed Development At 600 And 602 San Pedro Avenue.	125

13.	30 Minutes	<u>ZONING AMENDMENT, ZA-02-11: SHAFER-BAMDAD</u>129
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Motion to Waive</u> the Reading in Full of Zoning Amendment Ordinance No. 1609, New Series Action- <u>Motion to Introduce</u> Zoning Amendment Ordinance No. 1609, New Series by Title Only. (Roll Call Vote)
14.	5 Minutes	<u>ORDINANCE AMENDING CHAPTER 10.56, CHAPTER 10.64 AND CHAPTER 10.68 OF THE CITY OF MORGAN HILL MUNICIPAL CODE REGARDING BICYCLES AND COASTER OPERATION, AND FINES THEREFORE</u>145
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Motion to Waive</u> the Reading in Full of Ordinance No. 1610, New Series. Action- <u>Motion to Introduce</u> Ordinance No. 1610, New Series by Title Only. (Roll Call Vote)
15.	5 Minutes	<u>GPA 02-09: CITY OF MORGAN HILL-GENERAL PLAN MAP CORRECTIONS</u>151
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Adopt</u> Resolution No. 5650 Approving General Plan Map Corrections.

City Council Action

OTHER BUSINESS:

	Time Estimate		Page
16.	10 Minutes	<u>APPROVAL OF STORM WATER MANAGEMENT PLAN AND SUBMISSION OF APPLICATION FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PHASE II STORM WATER PERMIT</u>165	
		<u>Recommended Action(s):</u> 1. <u>Approve</u> Storm Water Management Plan; and 2. <u>Direct</u> Staff to Submit Notice of Intent to Regional Water Quality Control Board for NPDES Phase II Permit Coverage.	
17.	15 Minutes	<u>POSSIBLE LOCATIONS FOR A NEW MORGAN HILL POLICE FACILITY</u>217	
		<u>Recommended Action(s):</u> <u>Direct</u> Staff to Continue Negotiations With the Developer of the Vineyard Facility for Its Acquisition and Only Pursue Other Properties if the Negotiations Break Down.	
18.	15 Minutes	<u>ARCHITECTURAL AND SITE REVIEW BOARD PERFORMANCE REVIEW</u>227	
		<u>Recommended Action(s):</u> <u>Council Discretion.</u>	

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT